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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,791	12/22/1999	CHARLES ROBERT KALMANEK JR.	2685/5248	5383
23838	7590	04/14/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	15
DATE MAILED: 04/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/469,791	KALMANEK ET AL.	
	Examiner	Art Unit	
	Melanie Jagannathan	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 25-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 25-76 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-33,38-43,55,56,58-60,62-65,67-69,71,73,74,76 are rejected under 35 U.S.C. 102(b) as being anticipated by Arango US 5,732,078.

Regarding claim 25-26, 28-32,38-39,41-42,55,58-60,63-65,67,68,71,74,76, the claimed reserving, for a particular call, packet network resources of a first packet network according to its own reservation policy and reserving packet network resources of a second packet network according to its own reservation policy is disclosed by first host part of a LAN subnetwork connected to first access point initiating call to second host part of a LAN subnetwork connected to second access point by sending message packet including preferred bandwidth and quality of service for communication session and second host negotiating sufficient bandwidth for call and bandwidth being reserved once call is accepted. See column 4, lines 13-36, and columns 10-12. The claimed second packet network being coupled to first packet network and reservation policies being different is disclosed by first and second host coupled through Internet backbone and host connected to different subnetworks where negotiation of sufficient bandwidth is needed to reserve proper resources for session.

Regarding claims 27,33,40,43, 56, 62,69,73, the claimed access network is television coaxial cable network and backbone packet network is packet telephony service provider's

Art Unit: 2666

network is disclosed by subnetworks connected to access points by cable television access network. See column 1, lines 53-56, column 14, and lines 45-49.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango in view of Shaffer et al. US 6,411,601.

Arango discloses all of the limitations of the claims except for the claimed reservation policy of first network relates to a per call basis and reservation policy for the second network relates a multiple call basis. Shaffer et al. discloses resource reservation mechanism for call requests including conference calls between multiple endpoints. See column 2, lines 20-67, column 4, and lines 20-47. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include resource reservation for

Art Unit: 2666

conference calls as in Shaffer et al. One of ordinary skill in the art would be motivated to do this to provide sufficient quality of service for multiple users communicating in conference session.

5. Claims 36,37 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango in view of Hin US 5,678,008.

Arango discloses all the limitations of the claims except for reservation policy for the first network relating to bi-directional capacity and the reservation policy for the second network relating to uni-directional and bi-directional capacity. Hin discloses setting up a call between two terminals for uni-directional or bi-directional connections and verifying that called terminal conforms to requirements in terms of resources expressed by requester terminal. See column 9, lines 25-30. At the time the invention was made it would have been obvious to modify Arango to reserve resources for uni-directional and bi-directional connections. One of ordinary skill in the art would be motivated to do so to allocate sufficient resources for forward and reverse directions of communication.

6. Claims 44,45,50-54,57,70,75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango in view of Ash et al. US 6,590,867.

Arango discloses all of the limitations except for selecting a reservation policy from a plurality of reservation policies associated with the second network. Ash et al. discloses reserving resources based on different levels of service where calls with higher priority would require a different reservation policy than a lower priority call. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include a plurality of reservation policies. One of ordinary skill in the art would be motivated to

do this for proper routing of communication with varying levels of quality of service through networks with varying topologies and media.

Regarding claim 45, the claimed access network is television coaxial cable network and backbone packet network is packet telephony service provider's network is disclosed by Arango by subnetworks connected to access points by cable television access network. See column 1, lines 53-56, column 14, and lines 45-49.

7. Claims 48,49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango and Ash in view of Shaffer et al.

Arango and Ash disclose all of the limitations of the claims except for the claimed reservation policy of first network relates to a per call basis and reservation policy for the second network relates a multiple call basis. Shaffer et al. discloses resource reservation mechanism for call requests including conference calls between multiple endpoints. See column 2, lines 20-67, column 4, and lines 20-47. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include resource reservation for conference calls as in Shaffer et al. One of ordinary skill in the art would be motivated to do this to provide sufficient quality of service for multiple users communicating in conference session.

8. Claims 46,47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango and Ash in view of Hin.

Arango and Ash disclose all the limitations of the claims except for reservation policy for the first network relating to bi-directional capacity and the reservation policy for the second network relating to uni-directional and bi-directional capacity. Hin discloses setting up a call

between two terminals for uni-directional or bi-directional connections and verifying that called terminal conforms to requirements in terms of resources expressed by requester terminal. See column 9, lines 25-30. At the time the invention was made it would have been obvious to modify Arango and Ash to reserve resources for uni-directional and bi-directional connections. One of ordinary skill in the art would be motivated to do so to allocate sufficient resources for forward and reverse directions of communication.

9. Claims 61,72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango. Arango discloses all of the limitations of the claims except for reserving a constant-bit-rate channel in access network. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include CBR data service in order to transmit uncompressed voice and video traffic. One of ordinary skill in the art would be motivated to do this in order to avoid variable delay and interruptions in the flow of data.

Response to Arguments

10. Applicant's arguments filed 2/2/2004 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Woundy US 6,031,841 discloses RSVP support for upstream traffic.

Art Unit: 2666

Dunn et al. US 5,999,612 disclose integrated telephony and data services over cable networks.

Chinni et al. US 6,205,135 disclose access platform for Internet based telephony.

Fijolek et al. US 6,636,485 disclose method and system for providing quality of service in data-over-cable system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 703-305-8078. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie Jagannathan
Patent Examiner
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MJ

DP

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